

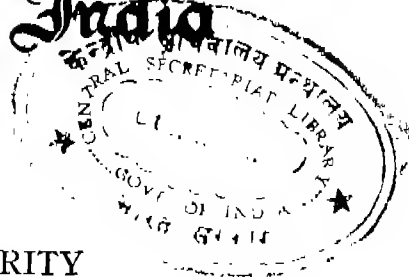


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असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
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नई दिल्ली, बुधवार, मई, 30, 1990/ज्येष्ठ 9, 1912
NEW DELHI, WEDNESDAY, MAY 30, 1990/JYAISTHA 9, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 30th May, 1990:—

BILL No. 100 of 1990

A Bill to empower the Central Government to direct the transfer of the land, or of the rights in or over land or of the right, title and interest in relation to a coal mine, coking coal mine or coke oven plant, vested in the Coal India Limited or in a subsidiary company to any subsidiary company of Coal India Limited or any other subsidiary company and to validate certain transfers of such land or rights.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Coal India (Regulation of Transfers and Validation) Act, 1990.

Short
title.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “Coal India” means the Coal India Limited, a Government company incorporated under the Companies Act, 1956 having its registered office at Calcutta and includes its predecessor Government company, namely, the Coal Mines Authority Limited;

(b) “subsidiary company” means the following subsidiary companies of Coal India, namely:—

(i) the Central Coal Fields Limited, Ranchi and includes its predecessor Government company, namely, the National Coal Development Corporation Limited, Ranchi;

- (ii) the Bharat Coking Coal Limited, Dhanbad;
- (iii) the Western Coal Fields Limited, Nagpur;
- (iv) the Eastern Coal Fields Limited, Sanctoria;
- (v) the Central Mine Planning and Design Institute Limited, Ranchi;
- (vi) the South-Eastern Coal Fields Limited, Bilaspur;
- (vii) the Northern Coal Fields Limited, Singrauli,

and includes such other subsidiary company of Coal India as may be incorporated under the Companies Act, 1956 from time to time;

1 of 1956.

(c) words and expressions used herein and not defined but defined in the Coking Coal Mines (Nationalisation) Act, 1972 or the Coal Mines (Nationalisation) Act, 1973, shall have the meanings, respectively, assigned to them in those Acts.

30 of 1972.

26 of 1973.

Power
of Cen-
tral
Govern-
ment to
direct
transfer
of land,
rights,
title or
interest.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government may, by notification in the Official Gazette, direct that the land or rights in or over such land or the right, title and interest in relation to a coal mine, coking coal mine or a coke oven plant vested in the Coal India shall, instead of continuing to vest in the Coal India, vest in a subsidiary company or, where such land or right, title or interest vests in a subsidiary company, in another subsidiary company.

(2) Where the land or the right in or over such land or the right, title and interest in relation to a coal mine, coking coal mine or a coke oven plant vest in a subsidiary company under sub-section (1), such subsidiary company shall, on and from the date of such vesting, be deemed to have become the lessee in relation to such coal mine or coking coal mine as if a fresh mining lease in relation to such coal mine or coking coal mine had been granted to it under the Mineral Concession Rules for the maximum period for which such lease could have been granted under those rules, and all the rights and liabilities of Coal India or, as the case may be the subsidiary company in relation to such coal mine or coking coal mine shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of subsidiary company first mentioned.

Validation
of cer-
tain
transfers.

4. A subsidiary company which was operating, or was in control of, any coal mine, coking coal mine or coke oven plant which was vested in the Coal India, or any other subsidiary company immediately before the commencement of this Act, shall be deemed to have been vested with the land or the right in or over such land or the right, title and interest in relation to such coal mine, coking coal mine or coke oven plant and such vesting shall be deemed to have been valid and effective at all material times as if a direction had been made by the Central Government under sub-section (1) of section 3 and accordingly no suit or other proceeding shall be instituted, maintained or continued in any court on the ground that such subsidiary company was not competent to operate or control such coal mine, coking coal mine or coke oven plant.

STATEMENT OF OBJECTS AND REASONS

The Coal industry was nationalised in two phases in 1972 and 1973. After nationalisation, the coking and non-coking coal mines in the Jharia Coal Fields in Bihar and a few mines in Barakar and Mugma regions were directed to be vested in the Bharat Coking Coal Limited, Dhanbad. Most of the other coal mines in the States of Assam, Bihar, West Bengal, Orissa, Madhya Pradesh and Maharashtra were directed to be vested in the Coal Mines Authority Limited. Subsequently, a holding company, namely, the Coal India Limited was set up with effect from 1-11-1975, initially with five subsidiaries. Later two more subsidiaries were created by delinking certain collieries from the Central Coal Fields Limited and the Western Coal Fields Limited.

2. Ever since the nationalisation of the coal industry, though the land or right in or over such land acquired under various Acts and the right, title and interest in relation to a coal mine or a coke oven plant were directed to be vested in the Coal India or its predecessor in title, its subsidiary companies were *de facto* managing such land, coal mines or plants.

3. The absence of a formal legal title to the land or the right over such land or the right, title and interest in relation to a coal mine or coke oven plant, in the subsidiary companies has exposed them to litigation and other legal infirmities. While the Companies Act, 1956 contains provisions for reconstruction and amalgamation, such reconstruction or amalgamation could be given effect to prospectively only under that Act.

4. It has, therefore, been considered necessary to empower the Central Government to direct the transfer of land or the rights in or over such land or the right, title or interest in relation to a coal mine or coke oven plant vested in the Coal India Limited to a subsidiary company, or where such land or mine are vested in a subsidiary company, to another subsidiary company. It has also been considered necessary to validate all purported transfers of land or the rights in or over such land or the right, title and interest in relation to a coal mine or coke oven plant from Coal India to a subsidiary company and from one subsidiary company to another subsidiary company before the commencement of this Act.

5. The Bill seeks to achieve the above objects.

NEW DELHI;

The 19th May, 1990.

ARIF MOHOMMED KHAN.

BILL NO. 106 OF 1990

A Bill further to amend the Salaries and Allowances of Officers of Parliament Act, 1953.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Salaries and Allowances of Officers of Parliament (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 1st day of April, 1988.

Amend-
ment of
section 3.

2. In section 3 of the Salaries and Allowances of Officers of Parliament Act, 1953 (hereinafter referred to as the principal Act), in subsection (1), the following shall be inserted at the end, namely:—

20 of 1953.

“and an allowance for each day during the whole of his term as the Chairman at the same rate as is specified in section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 with respect to members of Parliament”.

30 of 1954.

3. For section 10A of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 10A.

43 of 1961.

'10A. Notwithstanding anything contained in the Income-tax Act, 1961,

Exemption from liability to pay income-tax on daily allowance received by the Chairman and certain perquisites received by an Officer of Parliament,

(a) in computing the total income of a previous year of the Chairman of the Council of States, any income by way of an allowance referred to in sub-section (1) of section 3 shall not be included;

(b) the value of rent free furnished residence (including maintenance thereof) provided to an officer of Parliament under sub-section (1) of section 4 shall not be included in the computation of his income chargeable under the head "Salaries" under section 15 of the Income-tax Act, 1961.'

STATEMENT OF OBJECTS AND REASONS

In view of the amendments made in 1988 in the Salary Allowances and Pension of Members of Parliament Act, 1954, the officers of Parliament, other than the Chairman of the Council of States, are entitled to the salary, daily allowance and constituency allowance at the enhanced rates with effect from the 1st day of April, 1988. However, emoluments of the Chairman of the Council of States remained unchanged. To overcome the said anomaly, it is now proposed to provide that the Chairman of the Council of States shall be entitled to a daily allowance at the same rate as is applicable to the Speaker of the House of the People. It is also proposed to exempt the said daily allowance from income-tax.

2. The Bill seeks to achieve, the above objects.

NEW DELHI:
The 29th May, 1990.

P. UPENDRA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend section 3 of the Salaries and Allowances of Officers of Parliament Act, 1953 to entitle the Chairman of the Council of States to the daily allowance, during the whole of his terms, at the rate of one hundred and fifty rupees per day. This would involve an expenditure of Rs. 54,000/- per annum from the Consolidated Fund of India.

2. The provisions of the Bill will not involve any other expenditure either recurring or non-recurring.

SUBHASH C. KASHYAP,
Secretary-General.

